

SF-83 SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY

Standards of Performance - National Emission Standards for Hazardous Air Pollutants for
Marine Tank Vessel Loading Operations. (40 CFR Part 63, Subpart Y)

1. Identification of the Information Collection

1(a) Title of the Information Collection

ICR for *NESHAP for Marine Tank Vessel Loading Operations (40 CFR 63 Subpart Y)*

1(b) Short Characterization/Abstract

This collection is for record keeping and periodic reporting information to EPA Regional Offices and delegated states. The information concerns compliance information for the emissions relating to loading of marine tank vessels with petroleum and gasoline. Delegated states and EPA Regional Offices use the data to determine compliance with the NESHAP rule. The purpose is to assure compliance with emission requirements in 40 CFR 63 subpart Y. In general records will be stored on site and shown to inspectors when requested. These will be hard copy records for the most part. Other information for periodic reports are sent to the state or to the Regional Office. It will cost 105 facilities, a total of 28,131 hours each year at a total cost of \$1,535,817.

In general, all National Emission Standards for Hazardous Air Pollutant standards require initial notifications, performance tests, and periodic reports. Owners or operators are also required to maintain records of the occurrence and duration of any start-up, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all sources subject to the National Emission Standards for Hazardous Air Pollutant standards.

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least five years following the date of preparing the maintenance report or record. All reports are sent to the delegated State or Local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA Regional Office.

Approximately 105 sources are currently subject to the standard, and no additional sources per year will become subject to the standard in the next three years. Persons knowledgeable about this industry say there is no growth in this industry, and currently, there is extra capacity at most marine terminals. These estimates were verified with the original writers of the rule.

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

The EPA is charged under Section 112 of the Clean Air Act, as Amended, to establish standards of performance for each category or subcategory of major sources and area sources of hazardous air pollutants (HAP). These standards are applicable to new or existing sources of hazardous air pollutants and shall require the maximum degree of emission reduction. In addition, Section 114(a) states that the Administrator may require any owner or operator subject to any requirement of this Act to:

“(A) Establish and maintain such records; (B) make such reports; (C) install, use, and maintain such monitoring equipment, and use such audit procedures, or methods; (D) sample such emissions (in accordance with such procedures or methods, at such locations, at such intervals, during such periods, and in such manner as the Administrator shall prescribe); (E) keep records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical; (F) submit compliance certifications in accordance with Section 114(a)(3); and (G) provide such other information as the Administrator may reasonably require.”

In the Administrator's judgment, *HAP and Volatile Organic Compounds (VOC)* emissions from *marine tank vessel loading* cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, National Emission Standards for Hazardous Air Pollutants were promulgated for this source category at 40 CFR Part 63, Subpart Y.

2(b) Practical Utility/Users of the Data

The control of emissions of Hazardous Air Pollutants (HAP) (vaporized crude oil or gasoline) and Volatile Organic Compounds (VOC) (vaporized gasoline) from marine tank vessel loading requires not only the installation of properly designed equipment, but also the operation and maintenance of that equipment. Emissions of HAP/VOC from marine tank vessel loading are the result of operation of the affected facilities. These standards rely on the reduction of HAP/VOC emissions by flares and other emission reduction procedures. The required notifications are used to inform the Agency or delegated authority when a source becomes subject to the standard. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated and the standard is being met. Performance test reports are needed as these are the Agency's record of a source's initial capability to comply with the emission standard, and serve as a record of the operating conditions under which compliance was achieved. The semiannual reports are used for problem identification, as a check on source operation and maintenance, and for compliance determinations.

The information generated by the recordkeeping and reporting requirements described in this ICR is used by the Agency to ensure that facilities affected by the NESHAP continue to operate the control equipment and achieve compliance with the regulation. Adequate monitoring, recordkeeping, and reporting is necessary to ensure compliance with these standards, as required by the Clean Air Act. The information collected from recordkeeping and reporting requirements is also used for targeting inspections, and is of sufficient quality to be used as evidence in court.

3. Nonduplication, Consultations, and Other Collection Criteria

The recordkeeping and reporting requested is required under 40 CFR Part 63 , Subpart Y.

3(a) Nonduplication

If the standard has not been delegated, the information is sent to the appropriate EPA Regional Office. Otherwise, the information is sent directly to the delegated State or Local Agency. If a State or Local Agency has adopted their own similar regulation to implement the Federal Regulation, a copy of the report submitted to the State or Local agency can be sent to the Administrator in lieu of the report required by the Federal Standard. Therefore, no duplication exists.

3(b) Public Notice Required Prior to ICR Submission to OMB

An announcement of a public comment period for the renewal of this ICR was published in the Federal Register on August 17, 2001. No comments were received on the burden published in the Federal Register.

3(c) Consultations

Not applicable.

3(d) Effects of Less Frequent Collection

Less frequent information collection would decrease the margin of assurance that facilities are continuing to meet the required standards. Requirements for information gathering and recordkeeping are useful techniques to ensure that good operation and maintenance practices are applied and emission limitations are met. If the information required by these standards was collected less frequently, the likelihood of detecting poor operation and maintenance of control equipment and noncompliance would decrease.

3(e) General Guidelines

None of these reporting or recordkeeping requirements violate any of the regulations established by OMB in 5 CFR 1320.6.

3(f) Confidentiality

The required information consists of emissions data and other information that have been determined not to be private. However, any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, Chapter 1, Part 2, Subpart B - Confidentiality of Business Information (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 17674, March 23, 1979).

3(g) Sensitive Questions

None of the reporting or recordkeeping requirements contain sensitive questions.

4. The Respondents and the Information Requested

4(a) Respondents/SIC Codes

The respondents of the recordkeeping and reporting requirements are marine tank vessel loading operations at marine terminals. The SIC code for the respondents affected by the standards is SIC 4491. Standard Industrial Classification which corresponds to the NAICS (The North American Industry Classification System) is 488310 for operations of ports and waterfront terminals, and 488320 for marine cargo handling.

4(b) INFORMATION REQUESTED

This rule requires affected facilities to maintain copies of all records, including reports and notifications for at least five years. This is consistent with the General Provision to the rule. EPA believes that the five year records retention requirement is consistent the Part 70 permit program and the five year statute of limitations on which the permit program is based. Also, the retention of records for five years would allow EPA to establish a source's history and patterns of compliance for purposes of determining the appropriate level of enforcement action. Historically, EPA has found that the most flagrant violators frequently have violations extending beyond the five year statute of limitations. Therefore, EPA would be prevented from pursuing the worst violators due to the destruction or nonexistence of records if less than five years of records were kept.

(i) Data Items

All data in this ICR that is recorded and/or reported is required by the NESHAP for Marine Tank Vessel Loading (40 CFR Part 63, Subpart Y).

A source must make the following reports:

Reports for Regulatory Citation	
Construction/reconstruction	40 CFR 60.7(a)(1), 63.5
Construction or modification application	40 CFR 61.07
Initial notifications	63.9(b)
Anticipated start-up	60.7(a)(2), 61.09(a)(1)
Actual start-up	60.7(a)(3), 61.09(a)(2)
Initial performance test results	60.8 (a), 61.13(f) , 63.10(d)(2)
Initial performance test	60.8(d), 61.13(c), 63.7(b), 63.9(e)
Rescheduled initial performance test	63.7(b)(2)
Demonstration of continuous monitoring system	60.7(a)(5), 61.X , 63.9(g)
Compliance status	63.9(h)
Physical or operational change	60.7(a)(4), 61.15 , 63.X
Opacity or visible emissions	63.10(d)(3)
Periodic start-up, shutdown, malfunction reports	63.10(d)(5)(I)
Source status report	61.10(a) , 63.X
Reports- notification construction/reconstruction.	40 CFR 63.567(b)(4)
Notification of anticipated start up	40 CFR 63.567(b)(2) and (b)(3)

Reports for Regulatory Citation	
Notification of actual start up	63.566, 63.5
Notification of applicability report	63.567(b)(1), 63.9
Notification for initial performance test date	63.567(f) , 63.9
Routine report of performance testing (flares)	63.567(d), 63.11
Excess emissions and monitoring performance and /or summary report on compliance	40 CFR63.567(e)(3), 63(c) and (e)
Report of HAP control efficiency	“ ” 63.567(b)(5)

A source must maintain the following records:

Recordkeeping for Regulatory Citation	
Start-ups, shutdowns, malfunctions, periods where the continuous monitoring system is inoperative	40 CFR (60.7(b), 61.X , 63.10(b)(2)
Emission test results and other data needed to determine emissions	40 CFR 61.13(g)
All reports and notifications	“ ” 63.10(b)
Records of applicability	“ ” 63.10(b)(3)
Records for sources with continuous monitoring systems	“ ” 63.10(3)
Records are required to be retained for 5 of Years for 40 CFR 63.X.	60.X, 61.X, 63.X
Record Keeping - emission estimates	40 CFR 63.565(l)
“ ” - initial performance test records and engineering report	“ ” 63.567(f)
“ ” - performance records on applicable vents, valves and vapor collection systems	“ ” 63.567(g)
“ ” - vapor tightness documentation	“ ” 63.567(h)
“ ” - marine vessel loading records	“ ” 63.567(i)
“ ” - emission estimates, product through-put and identification	“ ” 63.567(j)

Recordkeeping for Regulatory Citation	
“ ” - leak detection, repair, vapor collection systems, and Control devices	“ ” 63.567(k)
“ ” - keep records - 5 years	“ ” 63.10(b)(1)

(ii.) **Respondent Activities**

Respondent Activities
Read instructions.
Write excess emissions and status reports as needed.
Perform initial performance test, check performance of flares or other equipment.
Write the notifications and reports listed above.
Enter information required to be recorded above.
Submit the required reports on developing, acquiring, installing, and utilizing technology and systems for the purpose of collecting, validating, and verifying information.
Develop, acquire, install, and utilize technology and systems for the purpose of processing and maintaining information.
Develop, acquire, install, and utilize technology and systems for the purpose of disclosing and providing information.
Adjust the existing ways to comply with any previously applicable instructions and requirements.
Train personnel to be able to respond to a collection of information.
Transmit, or otherwise disclose the information.

The rule does not require use of information collection techniques such as automated, mechanical or other technical collection techniques. Electronic submissions can be made but they must be followed up with a hard copy that is signed by the owner/operator of the facility.

5. The Information Collected -- Agency Activities, Collection Methodology, and Information Management

5(a) Agency Activities

EPA conducts the following activities in connection with the acquisition, analysis, storage, and distribution of the required information.

Agency Activities
Observe initial performance tests and repeat performance tests if necessary.
Review notifications and reports, including performance test reports, excess emissions reports, and status reports required to be submitted by industry.
Audit facility records.
Input, analyze, and maintain data in the Aerometric Information Retrieval System (AIRS) database.

5(b) Collection Methodology and Management

Following notification of start-up, the reviewing authority might inspect the source to determine whether the pollution control devices are properly installed and operated. Performance reports on the use of controls is used by the agency to estimate operating conditions under which compliance was achieved. Data and records maintained by the respondents are kept on file for inspectors to examine. The semiannual reports are used only to report problem identification and to report problems in compliance. Other reports on an annual basis are used for rule applicability determinations.

Information contained in the reports is entered into AIRS which is operated and maintained by EPA's Office of Air Quality Planning and Standards. AIRS is EPA's database for the collection, maintenance, and retrieval of compliance and annual emission inventory data for over 100,000 industrial and government-owned facilities. EPA uses AIRS for tracking air pollution compliance and enforcement by Local and State regulatory agencies, and EPA Regional Offices and Headquarters. EPA and its delegated authorities can edit, store, retrieve and analyze the data.

The records required by this regulation must be retained by the owner or operator for five years.

5(c) Small Entity Flexibility

There are no small businesses affected by this standard.

5(d) Collection Schedule

The specific frequency for each information collection activity within this request is shown in Table 2: Industry Burden.

6. Estimating the Burden and Cost of the Collection

Table 2 documents the computation of individual burdens for the recordkeeping and reporting requirements applicable to the industry for the Subpart included in this ICR. The individual burdens are expressed under standardized headings believed to be consistent with the concept of burden under the Paperwork Reduction Act. Where appropriate, specific tasks and major assumptions have been identified. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

6(a) Estimating Respondent Burden

The average annual burden to industry over the next three years from these recordkeeping and reporting requirements is estimated at 28,131 hours. These hours are based on Agency studies and background documents from the development of the standards or test methods, Agency knowledge and experience with the National Emissions Standards for Hazardous Air Pollutants program, the previously approved ICR, and any comments received.

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs

This ICR uses the following labor rates: \$78.54 per hour for Executive, Administrative, and Managerial, \$55.34 per hour for Technical, and \$35.64 per hour for Clerical. These rates are from the United States Department of Commerce Bureau of Labor Statistics, March 2000, "Table 10. Private industry, by occupational and industry group." The rates are from column 1, "Total compensation." The wage rates have been increased by 110% to account for the benefit packages available to those employed by private industry.

Managerial	\$78.54	(\$37.40 + 110%)
Technical	\$55.34	(\$26.35 + 110%)
Clerical	\$35.64	(\$16.97 + 110%)

The only type of industry costs associated with the information collection activity in the standards are labor costs. There are no capital/startup costs.

The active ICR does not have capital/startup and operation and maintenance costs write under 14d. The current OMB inventory for this is a cost of 0. Equipment, parts and contracted maintenance are not needed for the industry. The industry has elected to not install continuous monitoring devices which was an option under the rule. The industry has installed primarily flares to control emissions. Hence the only industry costs are the labor costs for performance tests, reporting, and keeping records. Reporting has also been kept to a minimum under this rule. The industry can use in-house staff to complete the work needed.

(iii) Capital/Startup vs. Operation and Maintenance (O&M) Costs

The only type of industry costs associated with the information collection activity in the standards are labor costs. There are no capital/startup costs.

6(c) Estimating Agency Burden and Cost

The only costs to the Agency are user costs associated with analysis of the reported information. Publication and distribution of the information are part of the AIRS program. Examination of records to be maintained by the respondents will occur as part of the periodic inspection of sources, which is part of EPA's overall compliance and enforcement program.

The average annual Agency cost during the 3 years of the ICR is estimated to be \$62,126. This cost is based on the average hourly labor rate at a GS-12, Step 1, times a 1.6 benefits multiplication factor to account for government overhead expenses for a total of \$36.98.

6(d) Estimating the Respondent Universe and Total Burden and Costs

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See the total burden and costs listed in Table 2.

6(f) Reasons for Change in Burden

The burden hours are the same in the renewal and the active ICR. Cost differences result only from the increase in labor rates.

6(g) Burden Statement

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time

needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Ms. Sandy Farmer, Collection Strategies Division (Mail Code 2822), Office of Environmental Information, United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460-0001; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Include the EPA ICR number and OMB Control Number in any correspondence.

Part B of the Supporting Statement

This part is not applicable because no statistical methods were used in collecting this information.